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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/967,106	09/27/2001	Venkat Konda	M-12222 US	8102

34036 7590 01/30/2004

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SANTA CLARA, CA 95054

EXAMINER

ZIMMERMAN, BRIAN A

ART UNIT	PAPER NUMBER
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2635

DATE MAILED: 01/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/967,106

Applicant(s)

KONDA, VENKAT

Examiner

Brian A Zimmerman

Art Unit

2635

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-109 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-109 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 36-84,93-109 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Yang (5801641).

Yang shows a three stage non-blocking switching network meeting the physical limitations set forth in the claims. See figure 2b. Yang also shows limiting the fanout to  $r_2$ . See col. 5 line 39. The example discussed by Yang on col. 7 line 41+ is a V(4,3,3) switch, noting that  $r_2=3$  imposes a fanout limit of 3 as claimed.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-35,85-92 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yang (5801641).

Yang shows a three stage non-blocking switching network meeting the physical limitations set forth in the claims. See figure 2b. Yang also shows limiting the fanout to  $r_2$ . See col. 5 line 39. The example discussed by Yang on col. 7 line 41+ is a  $V(4,3,3)$  switch network, noting that  $r_2=3$  imposes a fanout limit of 3. Yang does not expressly disclose an example of a switch network that meets the limitation of a fanout limit of 2, however Yang does suggest that  $r_2$  can be as small as 1, thus limiting the fanout to 1. Noting that this would not expressly be fanout since the signal would only be transmitted to one receiving station, the fanout limit would be 2 if the low end switch network limits of Yang were followed. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have used the lower limits of Yang's switch network size, and thereby limiting the fanout to 2, as claimed, since such would provide cheaper, simple switch networks.

### ***Double Patenting***

3. Claim 1-109 of this application conflict with claims 1-138 of Application No. 09/967815. 37 CFR 1.78(b) provides that when two or more applications filed by the same applicant contain conflicting claims, elimination of such claims from all but one application may be required in the absence of good and sufficient reason for their retention during pendency in more than one application. Applicant is required to either cancel the conflicting claims from all but one application or maintain a clear line of demarcation between the applications. See MPEP § 822.

4. Claims 1,4,8,9,11-27,36,38-53,56,60,61,64-77,85,88,91-93,95,96,99-101,104,107,108 are provisionally rejected under 35 U.S.C. 101 as claiming the same invention as that of claims 1,4,8,9,11-18,25-33,42,44-49,56-65,68,72,73,76-80,87-95,103,106,109-111,113,114,117-119,122,125,126 of copending Application No. 09/967815. This is a provisional double patenting rejection since the conflicting claims have not in fact been patented. These claims exactly correspond in the manner laid out in the following table:

09/967815	09/967106
1	1
4	4
8	8
9	9
11	11
12	12
13	13
14	14
15	15
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17	17
18	18
25	19
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27	21
28	22
29	23
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31	25
32	26
33	27
42	36
44	38

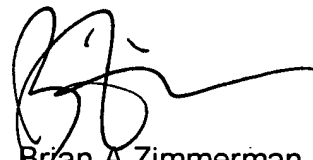
09/967815	09/967106
45	39
46	40
47	41
48	42
49	43
56	44
57	45
58	46
59	47
60	48
61	49
62	50
63	51
64	52
65	53
68	56
72	60
73	61
76	64
77	65
78	66
79	67
80	68

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87	69
88	70
89	71
90	72
91	73
92	74
93	75
94	76
95	77
103	85
106	88
109	91
110	92
111	93
113	95
114	96
117	99
118	100
119	101
122	104
125	107
126	108

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian A Zimmerman whose telephone number is 703-305-4796. The examiner can normally be reached on Off every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mike Horabik can be reached on 703-305-4704. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4700.



Brian A Zimmerman  
Primary Examiner  
Art Unit 2635

BAZ